

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ROBERTS,

Plaintiff,

V.

SENIOR ACCOUNTING, et al.,

Defendants.

No. 1:21-cv-00700-AWI-SKO (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
MOTION TO PROCEED IN FORMA
PAUPERIS, AND DISMISSING ACTION
WITHOUT PREJUDICE**

(Doc. Nos. 2, 7)

Plaintiff David Roberts is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 30, 2021, the assigned magistrate judge filed findings and recommendations, recommending that Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) be denied, and that this action be dismissed without prejudice, because Plaintiff has accrued more than three "strike" dismissals under 28 U.S.C. § 1915(g) and the allegations in his complaint fail to show that he is under imminent danger of serious physical injury.¹ Doc. No. 7. The magistrate judge provided Plaintiff 14 days to file objections to the findings and recommendations. *Id.* at 3. Plaintiff has not filed any objections, and the time to do so has passed.

¹ The magistrate judge also noted that Plaintiff failed to exhaust administrative remedies prior to filing suit as required by the Prison Litigation Reform Act, which provides an alternative ground for dismissing this action. Doc. No. 7 at 2.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on April 30, 2021 (Doc. No. 7) are ADOPTED in full;
2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is DENIED;
3. This action is DISMISSED without prejudice to refiling upon prepayment of the filing fee; and,
4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: June 2, 2021

A. H. Blum
SENIOR DISTRICT JUDGE